To keep it underground, this is what I suggest. Dig the hole underground. Make the rail run directly to Yucca Mountain. That way nothing above ground would ever be seen.

I think DOE should have the assets that they need to build the rail system, but keep it underground where it can be utilized and sealed off just in case something may come up as a horrific accident. That way DOE can be protected, we can protect our government, we can protect the people and we can protect the land and everything, all the living creatures on it. I would support this one hundred percent as long as they kept it underground. God bless you and good luck to you.

Overall we've got to have our nuclear energy. We've got to have it because we see what gas prices are doing. We see our water prices are getting ready to go up. Neutralize it and use it. We should have it for every life that is given to us by our birth rights instead of inheriting what, poverty. We inherit the wealth and all the energy that it takes to keep us what, wealthy for the remainder of the turn of the centuries.

Because, remember, nuclear energy is around forever. Am I correct? So let's treat it like it's

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ISAAC HENDERSON: My comment is on the nuclear transportation from Caliente to Las Vegas. Does this program include the protection of all animals, the welfare of the county, the welfare of the city, the welfare of the township, and also does it protect and save our military from having to come in to clean up if there happened to be a spill accident that would give us total neutralization of the event in order to put everything back into perspective for us to make it work like it was before the incident happened?

Also I want to know if our radios are protected from the waste, our historical society is protected, our mountain and desert are protected in Nevada, just as well as the media and newspaper, radios, teachers, lawyers, judges, the general public that would be protected also just in case if there was an accident.

Also I want to know if there is any grants that it takes to utilize some of the services that DOE has for Caliente to help their needy, to help the poor, also for jobs, food, benefits in order to help to keep that project continuously running. Once we start it, we want to continue it, not to discontinue

going to be around forever. But let's use it and keep it where we can suppress it in order to what, channel it to the right areas where it can give us what, the ultimate results as far as our what, our lifestyle, the good life. All we want to do is live the good life. And DOE would like to live the good life as far as the government to come in and maintain and keep control.

I want DOE to keep control because you guys have what, the will, the way, the mind, the attitude, the experience and the education and the engineering to do this. So I feel as though nothing is impossible for you to do, but it's up to you to make that decision. I hope that DOE gets what they want, but I hope that we keep it underground so DOE gives us what we want.

ROBIN DREW: Background: It is my belief that many individuals and organizations currently opposed to the Yucca Mountain Project would experience enormous relief of their fears if all were able to observe daily, as I have, the professionalism and integrity of the women and men who work on the Yucca Mountain Project. I have simply never seen a higher level of dedication and work ethic in any other workplace in the three decades I have been in

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the workforce.

treat the public?

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Nevertheless, as I am clear proof, even in a "nuclear culture" accidents happen and injuries result. All sides of the controversy agree that if/when nuclear waste is transported from its current locations through states all over the USA to Nevada, accidents will occur and injuries, loss of property and even death are guaranteed to occur.

I offer my testimony because I have heard very little from any party to this controversy about plans for addressing those individuals who are guaranteed to become injured by the Yucca Mountain Project. The injured are certain to include not only persons like myself injured while working on the project, but also members of the public who may have no idea they are at risk until an accident, and injuries, occur.

18 At a Senate Field Hearing held here in Las 19 Vegas March 15, 2004, Senator Harry Reid stated my 20 concerns far better than I will ever be able to put 21 into words. I do not have the exact quote, but as I understood it, Senator Reid gave this urgent warning: 22 23 If this is how they treat the people who work on the Yucca Mountain Project, how do you think they will 24

for-profit subcontractors such as insurance companies who are primarily motivated by cutting cost at the expense of our communities and workers to protect their bottom line.

Unless these administrative bodies who oversee the Yucca Mountain Project develop specific and detailed guidelines in advance describing how the injured shall be treated by the service providers, there can be no fair, ethical, honest or appropriate outcome expected.

The Yucca Mountain Project administration department and local project management team must communicate with the subcontractors as to how the injured should be treated and assure the injured and the public that complete follow-through is the utmost urgent priority of the care providers and their management teams.

The Yucca Mountain Project should be 18 monitored by a subcommittee that shall oversee the 19 treatment of the injured to make sure that the 20 for-profit subcontractors are at least complying with 21 the laws of the state where the injuries occur and 22 that those health and benefit policies shall equal or 23 exceed federal guidelines and mandates. 24 25

It will not be enough to make verbal and

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I hereby testify about how they, the U.S. Department of Energy, the Yucca Mountain Project, OCRWM, and the variety of for-profit subcontractors have treated this individual injured by the Yucca Mountain Project and offer concerns and predictions based on how I have been treated. The bases of my predictions are well documented and I urge the Railroad Subcommittee to contact me for this documentation if there is any question that I have every reasonable expectation and fear that members of the public who will be injured by the transportation of nuclear waste to the Yucca Mountain Project can look forward to having their lives altered and utterly destroyed.

What individuals and communities across the United States of America who are injured by the transportation of nuclear waste to the Yucca Mountain can expect: One, the Yucca Mountain Project will behave in a manner that can best be described as "hit and run."

Once an injury has occurred, the individual can expect the Yucca Mountain Project and the U.S. Department of Energy to quickly distance their organizations from the situation so that the individual is left to cope, completely alone, with

written assurances. Past performance will be the

tangible assurance, either that the Yucca Mountain

Project will abandon its responsibilities once

injuries occur or that the Yucca Mountain Project

will take the appropriate and reasonable initiative 5

once injuries occur. The documentation demonstrates

that at this time the public is assured that after

injuries occur, the lives of the injured will be 8

destroyed and the Yucca Mountain Project will not

take appropriate responsibility, if it takes any 10

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responsibility at all.

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that point.

One of my concerns is that if somehow the injured are resourceful enough to discover how to contact the Yucca knowledge Project about the way they are being treated, the injured may initially receive assurances that the Yucca Mountain Project will look into the matter, but shortly thereafter the injured will receive a brief letter that looks suspiciously like a one-size-fits-all form letter stating that the Yucca Mountain Project duly contracted with the appropriate subcontractors who carry the certified levels of insurance and that the responsibility of the Yucca Mountain Project ends at

Two, after an injury occurs, insurers will

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automatically deny claims, sight unseen.

When the injured individual contacts the appropriate for-profit subcontractors who were selected by the U.S. Department of Energy and by the Yucca Mountain Project and initiates the appropriate claims, the injured individual can expect to have the claim automatically denied, sight unseen, via a form

Three, the injured will have no choice but 10 to retain the services of attorneys, if any attorneys 11 can be found who are willing to represent the 12 injured.

The injured individual will have no choice but to retain the services of an attorney, but only if the individual can find an attorney who believes the injury is severe enough to make the case profitable for the attorney who will be, after all, yet another for-profit organization the individual will have to cope with. The injured individual can therefore expect to be in the peculiar position of needing to be severely injured enough that the individual's case is attractive to an attorney.

This raises another concern I have not heard addressed by any parties in this controversy: What happens to those individuals injured by the Yucca

over the years, but probably not the kind of medical 2 care that is appropriate for that injured individual.

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Six, if the injured attempt to obtain appropriate medical treatment, these attempts will be frustrating and quite possibly futile. If and when the injured individual figures

out that the medical professional assigned to the 8 injury is an inappropriate choice, the injured individual can be forced to fight for months to be 10 assigned to a more appropriate medical professional, 11 and the individual will continue to suffer until an 12 appropriate medical professional is assigned, if 13 ever. Basically, the individual injured by the Yucca 14 Mountain Project will probably never receive the 15 appropriate medical care unless the individual is 16 extraordinarily resourceful, patient, assertive and 17 persistent.

Seven, the injured will be secretly investigated, followed and videotaped.

20 The individual injured by the Yucca Mountain 21 Project can expect that a private investigator or 22 team of private investigators will be assigned to 23 secretly follow the individual around town, spend 24 days or weeks or months right outside of the 25 individual's residence attempting to get a view of

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Mountain Project whose injuries and property loss are not roundly considered to be at disaster and

catastrophe and national front page headlines levels?

Four, forced to retain legal counsel, the injured will have to pay for representation out of their own pockets.

The injured individual will have no choice but to pay for the services of this attorney from the individual's own pocket. This might be done in the form of a contingency fee paid from the individual's eventual settlement. This means that whatever monies the individual is given to use toward recovering from the injuries and getting life back on track will be cut nearly in half.

Five, the injured will received inadequate, perhaps even incompetent or unethical, medical treatment.

18 The injured individual can expect to be 19 directed toward medical professionals who are well 20 known to the for-profit subcontractors and who have a 21 better relationship with the subcontractors than with 22 the injured individual. This means the injured 23 individual will receive the kind of medical care that 24 makes a for-profit subcontractor happy enough to send

that medical professional lots of repeat business

whatever goes on inside the injured individual's

- 2 home, secretly videotape everything the individual
- 3 does day and night, day in and day out, and search
- vigorously through any obtainable records including
- contacting the individual's former employers,
- 6 checking any existing criminal court records,
 - business licenses, the DMV, and even checking Family

Court records.

The individual will not be told that this investigation has taken place and will never find out who and how many people viewed these videotapes and records, and the individual will not be allowed to see these videotapes or private investigator reports.

14 The videotapes will be sent to, among others, medical 15 professionals chosen by the for-profit

16 subcontractors. The medical professionals will

submit reports. None of this will be revealed to the 17 18 injured individual. 19

If this prediction sounds extreme to your committee, I urge you to contact me for

21 documentation. Four separate private investigators

22 reported to the insurer in my claim over a period of

23 four months and there exist in my file secretly recorded "surveillance" videotapes and written 24

reports.

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My first knowledge of this was when I exercised my right to review my files in the insurer's offices, a right that has been vigorously contested and obstructed by the insurer. To my shock I found in my file from the private investigator to the insurer not the reports and not the videotapes but a bill for thousands of dollars and later a report from the physician the insurer sent the videotapes to.

Eight, once an injury occurs, from then on the individual's time and life will be filled with hearings and appeals.

In the years following the accident the 13 14 individual injured by the Yucca Mountain Project can expect to endure numerous hearings and appeals with 15 or without adequate legal representation. If the 16 individual is lucky, the injury caused by the Yucca 17 Mountain Project will be so severe that the 18 19 individual will be unable to obtain or maintain 20 gainful employment, which will therefore mean that 21 the individual will at least have time to attend all these hearings and appeals. 22

The individual who is able to continue an active life despite the injuries will have to choose to attend to work obligations, family obligations and

1 by law but which were withheld year after year.

Nine, the community, including the city,
county and state where the injured live, will have to
bear the financial burden of the injuries.

5 The community of the individuals injured by the Yucca Mountain Project will find that because the 6 Yucca Mountain Project, the U.S. Department of Energy 7 and the for-profit insurers are determined not to 8 fulfill the obligations mandated by law, policy and 9 10 ethics, by default the community will have to mobilize its resources on behalf of the individuals 11 12 and families. Cities, counties and states will find themselves coping financially with the aftermath of 13 injuries and deaths caused by the Yucca Mountain 14

15 Project. It has happened already. It will happen.
16 This is a provable guarantee.

Ten, the community will incur hidden and incalculable costs.

The community of the individuals injured by the Yucca Mountain Project will incur hidden costs which may be incalculable. The disruption of lives may rob communities of their previously most productive members, not just when deaths occur, but when individuals who were, prior to the accident and

injuries, active participants in the community but

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other obligations of life or instead choose to continue attending to the obligations of a claim that will be vigorously protested by corporations that fight injured individuals for a living.

The individuals injured by the Yucca Mountain Project may find that the obligations of fighting for their rights will result in divorce, inability to maintain employment, inability to concentrate on the obligations of an ordinary life, stress and the additional physical injuries directly attributable to stress, inability to parent properly, including the inability to afford to take care of one's own children, inability to pay mounting bills, eventual poverty, and, in some cases, the individuals injured by the Yucca Mountain Project will eventually lose their homes, as occurred in my particular case.

16 Some individuals injured by the Yucca 17 Mountain Project will give up on fighting for their 18 19 rights early on, decide to cut their losses by 20 agreeing to an inadequate settlement or even give up without getting any of the settlement they are 21 22 entitled to by law. Others will fight for years 23 until they've lost everything and may or may not eventually receive somewhat adequate compensation and 24 25 the other benefits and services they were entitled to

1 who can no longer participate at such levels because

2 their time and energies and spirits and other

3 resources, including financial, have been drained by

4 the never ending fight for their rights and the5 struggle to simply survive.

For example, before I was injured by the Yucca Mountain Project I was a foster parent taking care of a child whose only other option was to be

9 institutionalized, and who is, to the best of my 10 knowledge at this time, institutionalized at

11 community expense.

There are volunteer opportunities too numerous to mention which are generously and happily met by community members every day whose contributions, once removed from the community because of the failure of the Yucca Mountain Project to take responsibility for the injuries caused by the Yucca Mountain Project, will be removed at inestimable cost to the community.

Conclusion: I leave it to the vast variety of voices, including those of Nevada elected officials, grass roots organizations all over the USA, business leaders and individuals from every walk of life and perspective to address the other concerns about the transportation of the nation's nuclear

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It has been guaranteed by all sides of this 6 controversy that there will be accidents and 7 injuries. There have already been accidents and 8 injuries. I have not heard anyone address policies, 9 standards, and compliance monitoring, nor have I 10 heard any agency specifically named which would have 11 the responsibility of implementing these policies 12 regarding how individuals who will be injured by the 13 Yucca Mountain Project are to be treated or where the 14 15 individuals who will be injured by the Yucca Mountain 16 Project can go for help once the worst case scenario, an accident in the transporting of nuclear waste 17 across the country to the Yucca Mountain Project, 18 19 occurs.

I have personally spoken with a
representative of the Nuclear Regulatory Commission
both in public forum and privately, including in
correspondence, and I have raised this question to
the OCRWM concerns office in writing and I have still
not received a clear and reliable answer, because

whole thing, I'm just going to read you the very important paragraph.

It says, With regards to your predictions of how other workers or members of the public will be treated based on your personal experience, we do not believe your workers' compensation claim experience provides reasonable basis for making such predictions. Consequently, we are not addressing the specific questions enumerated by you regarding that matter.

One of my concerns is that if someone raises 11 a concern they may receive an answer from the Yucca 12 Mountain Project that says, because of who you are, 13 that concern is irrelevant. Not that the concern 14 itself is irrelevant. If it was given by somebody 15 who had experience that we appreciate, maybe it will 16 be relevant, but you do not have that kind of 17 experience so we do not have to address your 18 19 concerns.

I think this is like if I call the fire department and say there's a fire across the street and I'm afraid that people are getting hurt and maybe they should send an ambulance and maybe they should send a fire truck, and they say, Are you a fireman, and I say, No, and they say, We do not believe your

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Tragically and inexcusably it will be left to the individuals who are injured by the Yucca Mountain Project and who are injured by the transportation of nuclear waste to the Yucca Mountain Project from locations all over the USA to discover that there is no plan and that there never was a plan for

apparently at this point in time there is no answer.

no plan and that there never was a plan for addressing the aftermath of the injuries that are guaranteed to occur.

Please be advised that in the interest of making my written statements as clear as possible I requested the assistance of Merle Long who helped me by editing item one above. Mr. Long is currently an access technology specialist in Las Vegas and has a union labor background including having held a member-elected seat on the general executive board committee for operator services in San Francisco, California.

I would also like to read the reply I got to this statement that I just made. The reply I got from the Department of Energy, office of civil radioactive waste management, office of repository development, and it's signed by J. Russell Dyer, assistant deputy director for technical and regulatory programs. I'm not going to read you the

experience provides a reasonable basis for making such predictions, consequently we're not addressing the specific questions enumerated by you regarding that matter.

JOHN BAIETTI: I listened to the other arguments of people that are against this, and they really don't look at the whole issue. And the whole issue is this: Number one is where they're putting this waste right now is disgusting, dangerous, just a catastrophe waiting to happen.

As we sit here tonight on Monday night in Vegas, there's waste in Texas A & M. There's waste in UCLA. There's hospitals around the country that have waste, very toxic, very dangerous waste. Where is it? It's at the loading dock of these places. Where is it at? It's getting ready to be picked up. Who's picking it up? Steve and Bob's pickup service,

or whoever.

My father, Al Baietti, who was a radiological control director for International Chemicals Nuclear, and he'd fight with these people day and night that there's a system around the country, universities to schools to industrial to nuclear power plants, not nuclear power plants, those actually put it away safely, but all these other

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little places put the stuff on the loading dock waiting for Bobby and Stevie to pick it up in their frickin Ford 150.

And you talk about transporting waste in downtown Houston, downtown Dallas, Indianapolis, Washington, D.C. in the back of pickups, in vans, in Dodge Caravans that have the steel thickness of put your finger right through it, okay. You want to talk about an accident? This is an accident waiting to happen.

You're talking about trains that are reinforced steel that missiles cannot penetrate. You're talking about a containment of dangerous items far beyond anything that has happened. You're talking about improving from a nursery school 101 to a Ph.D. from Harvard, Stanford and MIT. This can take waste and put it in a whole new level: Safer, better, extremely studied, extremely cautious, extremely no risk.

Now, you look at the risk issue on this, there is no risk. Zero, nada, nothing, nothing, zero. There isn't a shred of risk, not from the point of pickup to the point of the train to the point of the dump site to the point of the dump itself. There's never been risk. There's no risk. prove. It's simple to prove. And nobody knows why these morons are acting like they are. I want to tell them, I want to say, Gee, did you go out in the sun today? Did you walk from the building to your car? Did the sunrays hit you? Well, you know that those are beta gamma rays, whatever, you can get skin cancer. Well, but I don't know, you just walked from here to your car and did the sun hit your skin?

You know what, there's a small degree of chance that you might get cancer. You really might. 10 You're going to get cancer walking from here to your car. Well, a lot of people are going to go, Well, 12 you know, I really don't think I'm going to get 13 cancer. You might. There's a slim chance. You 14 15 might get hit by a meteor. You might get hit by 16 lightening. You might get skin cancer.

Now, if you look up at the sun for less than a second are you going to go stone blind? Probably not. But if I hold your eyes open and forced you to look at the sun for 15 minutes what do you think is going to happen? Oh, let's see, you might go blind. It's the same with this waste. If you're far enough away from it, it has no effect. Put your hand near it, it has an effect. Put your hand closer to it it has a bigger effect. Stick your hand in the stuff

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There's never going to be any risk. Nothing is ever going to happen.

What I told people if they ever want to test it, and they ought to do this, one way to do is let's stick a train car and let's load it absolutely floor to ceiling with this stuff and let's take the biggest missiles we know, who knows how they're going to get them there, but let's say they do, let's put these missiles in and let's just blow them up. Let's just blow the son-of-a-bitch up, okay.

And then let's put Geiger counters a hundred yards, 200 yards and so on and so forth to about a mile. Here's what's going to happen, because that's an easy study to make. Any scientist wherever, even in California where people are already halfway brain dead, can study the point that if you have this much toxic waste and you release it into the atmosphere, and the atmosphere, as we all know, is fairly large, it's going to disburse.

And what's going to happen is just like a grain of sand on the beaches of all of California or one pea that I toss in the ocean in Huntington Beach and try to measure it in Hawaii, it's going have no effect. This stuff disburses into the air.

And it's easy to prove. It's cheap to

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and your skin is cut, you might die. It's just like in Chernobyl. These folk are walking around with this -- the Geiger counters are going off the 3 machine. They're breaking Geiger counters, so much nuclear whatever, toxic waste, whatever is in the 5 6 air.

The point is this: It ain't going to happen here. It can't happen here. And even if it did happen here, somebody had that big of a weapon to blow one of these cars up or some astronomical thing happens, it wouldn't matter. It would matter to the folks that have to contain it, but again it's going to disburse in the atmosphere.

It's the same thing as my dad, my father who's passed away, I wish he was here, would battle these people over and over again, nuclear power plants, whatever, and he used to explain them this. He'd ask people, they're quote scientists, like the people in here they call themselves scientists, I think a "mad" ought to be put in front of their name, the point is this: They know within a reasonable number how big the Pacific Ocean is, within a reasonable number. It's this big.

They also know how much waste is generated 24 25 every year, because these people are putting them in

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canisters and putting them in their backyard in dirt. It's disgusting. They're putting them in dump sites. If they were to kick one over or somebody punctured it, they'd probably die from exposure to the toxic waste.

6 But the point is this: If you took all of 7 that waste and dropped it in the Pacific Ocean, just dumped it in the Pacific Ocean, and you had Geiger 9 counters two miles away, like in this study, a 10 computer could do it in an hour, and you take this much and you put it in this much, what you're going 11 12 to find is that it's like taking a grain of sand and 13 dumping it in an olympic swimming pool and measuring 14 what is the distance that the water goes up. I mean, you know, or whatever. I mean, it's so astronomical 15 16 that every Geiger counter within two miles of this 17 dump site from the top of the surface to the bottom 18 of the ocean floor, every ten feet, 10,000, a hundred 19 thousand Geiger counters will never read a point. 20 They won't read a point. They won't move.

21 My dad would try to show this to people. 22 He'd go, You know how big the Pacific Ocean is? Excuse me, it's like extremely large. You know how 23 much waste there is? Well, compare one to the other, 24 dump it in and hear what happens. The problems

But anyway, irregardless of all that the point is that who picked up the waste at International Chemical and Nuclear when my dad worked there? Answer, same answer, Bob. Same answer. JFK or whatever pickup service in a frickin' flatbed pickup. And where did they take it to? Beatty, Nevada.

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8 That's how my dad got more and more into 9 this thing. Hey, if somebody hits this truck, this 10 stuff has got some dangerous shit in there, you know. And, I mean, don't you think we ought to put it like 11 in a big semi, or my dad would tell people that. 12 What happens if this guy rolls this vehicle on the 13 405 and this shit goes all over the freeway? And 15 people would go, I don't know, Al, this is the way 16 we've been doing it. My dad would go, This is not right. Something could happen here. This is 17 dangerous as hell. 18

And what these, if you want to call them people, I think they're still breathing, the Sierra Club, they want to take the situation like that which is the way it is right now and leave it that way. And it's disgusting. They're disgusting. They disgust me and everybody else.

And the big spin up on this, and I'll end it

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they're talking about are non-existent because it disburses. The problems you're talking about are non-existent because the transportation has been upgraded. The containers are upgraded. They're taking liquids and making them solids. It's closely guarded. Nothing can happen. Nothing.

And we're going to take a situation that's dangerous, hazardous. Somebody is about to die. There's going to be a spill and somebody is going to die. They haven't yet, thank God, driving around in pickup trucks, Steve and Fred's pickup service. That's who's doing it, by the way. Check. Go look.

13 My dad has. Go look.

14 Who picks up the stuff from International Chemical and Nuclear when my dad was chief? Who 15 picked up the stuff there? I worked there as a 16 17 janitor. I was radioactive quite a few times. Don't 18 say anything. I was radioactive a few times. It's 19 really tough. You rinse it off with water, by the 20 way. That's how you get it off your hands. Like I 21 would get it on my hands and take the cleaning stuff, 22 take the Geiger counter and do this and go like that 23 and you take what they call water, you take water and 24 you wipe it off, and the water rinses it right off

with this, it's a money making opportunity for everybody in Nevada. We can make a ton of money off 2 this, not a little, a ton. Just like Alaska gets 3 their money for oil, Nevada is going to have the only 5 license, the only one in the entire North America. We hold the only license. You want to dump your stuff, you come through us. That's the way we're going to do it. We're going charge to them because we're going to handle it properly, not the way it is now. We're going to change that and do it properly 10 the way it should be. 11 12

My dad used to say this is dangerous. Something is going to happen. Thank God it hasn't, you know what I mean. It's amazing it hasn't, you know what I mean, a big spill of a whole bunch of stuff. Isn't that incredible the way they do it, pickup trucks, flatbeds, you know, wherever.

I just saw it in the news. Did you catch Fox news about a week ago, they showed where the stuff is going on the East Coast. On Fox news they showed where a lot of the states dump. In South Carolina this guy's farm in a town of 300 they've been dumping it there for years. You know what it's in? 55 gallon drums. And they have a tractor that plows a ditch, and they put these barrels in the

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7 (Pages 25 to 28)

your body.

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ditch and then they put dirt over them. Well, sir, what happens if you get backed up with inventory? What happens if the guy doesn't show up with the tractor to dig the ditch? Oh, well, the barrels will probably just sit there, and, you know, and we'll bury them when we get time. Tell me about it.

BUD TANGREN: I've come to be one of the few perhaps that are in fair of this thing. I don't know how many people you've had here today. I don't see many people that are in favor putting the waste in Nevada at the Test Site up here. I see no reason why not to. We have already contaminated the place.

I came here in 1950, and in '52 I think it was they opened the Test Site up and began exploding atomic bombs up there. And I went to work up there at that time, about a year and a half, two years. And we started in a place called Frenchman Flat, and we built a town called Mercury, Nevada.

19 When I went there there was nothing there. 20 We lived there seven days a week and we lived in these old army flats with two foot board and a canvas 21 top. They did build a commissary so we could have 22 23 something to eat and shower, which I haven't had 24 today. I just got off work. No, I just quit. But those were the conditions that we worked in. 25

we can get rid of them one of these days, I don't know. It's hard to do, they keep coming.

3 But I feel that this is the best place for it in the whole country. My second choice would be 4 Manhattan, the third choice would be Chicago. And we 5 can go on, and Florida would be included at some 6 point. However, being realistic, we have a place. 8 It's already contaminated and it's a natural.

There is no other place that I know of that could be better for it. We have deserts to the east. There's Salt Lake City. We have deserts to the west. We have deserts to the north. And we live in a desert in Vegas, so what the heck.

And if it's so dangerous, and this is the 14 15 thing that I've asked so many times, if this is so dangerous and the radiation lasts for 10,000 years, 16 the world hasn't been around 10,000 years. Who are 17 18 we kidding? And yet the people that flock to this 19 county and this city by the thousands, why would they 20 come here knowing that this was a dangerous place and has already been radiated beyond anybody's wildest 21 imagination? So why would they come here? Why are 22 23 they here now if they're afraid? I don't get the

connection. And yet maybe it's not them. Maybe it's 24

just a few. Maybe it's just these news reporters

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I felt at the time that the scientific community didn't really know exactly what they were doing. That's why we called it a Test Site. They were testing to see just what these things would do. They knew that they were dangerous. They knew they were powerful. They had used them on population centers in war previous, and they knew they could kill a lot of people with them, and they knew that they could do a lot of things with them if they could control it.

So the whole Test Site as far as I can see was trying to miniaturize the thing to a point where they could control the reactors. And I think they've done that. They have them in submarines. They have them on battleships. They have them all around now, so the scientists have done a good job. The engineers have certainly been there too. So why not use it. It's one of the better, cleaner, safer fuels in the world today that is out there. Beats the heck out of burning coal. This is what you get when you burn coal. I've been working with charcoal all day.

So, no, I see nothing wrong with it. I'm in 23 favor of it. Now, having said that, and living in Nevada we have a lot of crazy people in our state, 24 25 and most of them are politicians by the way. Maybe

we've got up and down the block. I don't know. But I have an idea they play the biggest part in it.

We get Harry Reid and he's an absolute --3 well, he shouldn't be where he is, that's for sure. He's not that good. He's not any good really. And Harry proclaims himself to be an expert. He's not, knows nothing about it. But I know very little about 7 it, but I know that I worked there for a long time. 8 9 We did a lot of explosives.

I still walk today, barely, but not from anything that ever happened on that Test Site. I mean, people look at me and say, We see why you are like you are because we can tell you've been up and down the block. That isn't the cause. It's being around politicians in Las Vegas might have been a bigger problem. But anyway, no, I'm in favor.

Now, as far as your railroad goes, I think it's a waste of money, which our government is expert at. Why don't you just cut it right up the mainline here and take it up there. What's wrong with that? It's dangerous? Well, let's see now, what do they haul on the rail line through our town every day? Sack of potatoes? No, I don't think so. What do

they haul every day through the middle of our town? I sit and watch the trains going out toward

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8 (Pages 29 to 32)

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Henderson, 15, 23, 28 tanker cars. They haul a lot

2 of chlorine right through the middle of our town. If 3 you want to kill Las Vegas, put a leak in one of

4 those deals and the whole town will die in two hours.

5 What are we worrying about? Those things are wide

6 open to terrorism, to accidents, whatever. The way

7 these people drive when they cross Warm Springs out

8 there at Pecos and Warm Springs and then down the

9 road to another place and down the road to still 10

another place, why, any number of things could go wrong. One car could hit one of those and get busted

open. Guess what, we all ain't going to live very

13 long. Right here, right now. 14

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So as far as dangers, yeah, everything is dangerous. But what's the danger of this thing up here? What is the danger? Radioactivity? No, I get more radioactivity in me just going to my dentist to have x-rays of my teeth or whatever. They give me more radiation at that point than I ever got up there

19 20 I think. 21 So what are we worrying about? Right next

22 door is Beatty, Nevada. We have a dump. I was just 23 up there a month ago. They are still burying all of

24 the radioactive stuff coming off the back of who

25 knows what: Hospitals, laboratories, all kinds. Page 33

going to. They have no incentive, no incentive in

killing us. So let's get out of the way, let them do

3 a good job, hopefully, and quit all the squabbling

we've been reading about and hearing about from Harry

Reid and company and the environmental wackos. If

you want to see something dangerous in our world

7 today, look to the environmentalists. They cause 8 more trouble than I have ever seen and heard about.

9 That's a personal opinion, but I back it up any way

10 you want to look, but that's another story.

In the meantime I say bring on the

12 radiation. Compensate us for it, that's all. Give

us some money. Make us feel a little bit better. 13

Even the girls of the night are compensated for their 14

15 efforts in our village, and quite handsomely by the

16 way I understand. It's not personal knowledge. But

17 the point is that just compensate us for our efforts

18 and for our part in it and do your thing. I don't

19 care. I think it's a good deal.

SUSAN POTTS: I am with Friends of Nevada

21 Wilderness. You have accurately shown all the

22 wilderness study areas that would be affected or that

23 are along this map; however, the Wilderness Act of

24 1964 allows for citizens to propose wilderness areas

25 also.

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They dig a trench, put it in and cover it up. No big deal. If it's so dangerous why are we doing that?

I say that, Hey, in the final analysis we're going to get the dump. That's my estimation. And I think rightly so, because those folks in Manhattan don't want it, nor should they have it because they don't have anyplace to put it.

So if that be the case then I suggest that we be compensated for having it here. Our budget runs about \$6 billion a year in this state. I suggest the other 49 states divvy up whatever amount they have to to compensate this state for about \$10 billion a year for taking all of their radiation. If they want to split that up into percentages, I don't

16 And I would rather say, and I do say, let's 17 do it that way, you just pay us that much money for 18 the storage space. You guys pay for the 19 transportation. You pay for everything else or we're

care, but let them pay for storing it here.

20 out. Just put a check on our desk first day of 21 January every year, \$10 billion and then get out of 22 our sight and let us go, because there's nothing they 23 can do to us to hurt us.

They ain't going to kill us. They're not going to do it. Even if they wanted to they're not Page 36

And Friends of Nevada Wilderness, along with the Nevada Wilderness Coalition, have submitted a

proposal for wilderness land in Lincoln County to 3 4 Senators Reid and Ensign, and there is a proposal in

5 the North Pahroc Range. It's the southern part. I

have not been able to coordinate my map with your 6

7 maps yet to see exactly where it's at, but we will 8 submit that information. I've got the card of

9 somebody to submit information, so we will submit 10 that information.

So it's a citizen proposed wilderness area that the senators are currently considering. So right now it's still BLM public land and does not have to be treated as wilderness, but there's a possibility that it will become wilderness area, so I

want to make sure you're aware of that in your 16 17 thinking of, you know, when you're thinking of 18 putting the route through.

19 We'll have a map and written sort of 20 direction that is included with the map. It will be very specific on there. And currently we don't have

21 any citizen proposed areas in Nye County, but we may 22

23 in the future. And you may want to contact us or 24 have us contact you, "us" being Friends of Nevada

25 Wilderness. And my phone number is

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9 (Pages 33 to 36)

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And so that we can be in communication in regards to 2 any other citizen proposal in this area that may happen through these counties. Contact me or Shaaron 3 Netherton, (775)324-7667. 4

We submit our proposals directly to Senators Reid and Ensign. You can also contact their staff also. Generally we let the BLM know as a courtesy, but BLM does not have to treat the land as a wilderness study area. They don't have to treat it any differently unless it does, in fact, become designated wilderness by the senators.

RAYMOND IZEN: I'm against Yucca and against transportation of waste to us. I feel that it's a dangerous situation, especially with the world conditions today that somewhere between New York or wherever else the waste is coming from and here

there's too many chances of something happening, and 17 they're just all people between here and there. 18

19 Obviously my voice is New York but you don't 20 know on the tape, but I moved here for my retirement.

21 Initially I'm still working in a different career, 22 but to get away from certain things. I love Las

Vegas. I now have grandchildren here living here in 23

24 Las Vegas and don't want the dangers of waste being

25 90 miles away.

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I'm the chairman, CEO 2 Nevada Central Railroad, dba Great Basin Railroad, 3 dba Nevada Northern Railroad. I'm the CEO of Aviation Technologies Limited, a Nevada corporation, incorporated in 1987 in the state of Nevada.

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Page 40

The Nevada Central Railroad is owned by Aviation Technologies Limited. Nevada Central Railroad is a Nevada Corp. that was incorporated in July of 2003.

10 History regarding the intended construction of a railroad by Aviation Technologies Limited and 11 Nevada Central Railroad is as follows: In 1988 I, 12 acting on behalf of Aviation Technologies Limited, 13 executed an analysis and study within the western 14 15 United States from El Paso, Texas west through New Mexico, Arizona, Nevada and north through Oregon, 16 Washington state ending at Vancouver, Canada of the 17 viability of the construction of a commercial 18 north/south west/central region heavy, high speed 19 mainline rail system. 20 21

In 1991 we completed the initial scoping and came to conclusions in relation to the first phase of potential construction of what was then named the Nevada Central Railroad, and by '93 made final corporate decisions relating to the financial

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feasibility and traffic analysis to support the

conclusion, execution and construction of a

construction project that would be initiated within

4 the state of Nevada on a route that was determined by 5 the U.S. Department of Energy and identified by U.S.

6 DOE as the Carlin route and Jean route.

We decided by 1996, after executing a number of meetings in Las Vegas, Nevada with the U.S.

Department of Energy at the request of the U.S. 9

10 Department of Energy, to move forward and initiate a

commercial independent rail construction project. A

documented proposal was provided by Aviation 12

Technologies Limited to the U.S. Department of Energy 13

Las Vegas, Nevada in 1996. That in concept was 14

15 approved by Nye County Commission on October 15, 1996

in Amargosa Valley. 16

ATL then proceeded, dba Nevada Central Railroad, to then execute the final construction type design specifications, and by 2002 executed a program to acquire necessary legal funding for the execution and construction of the Nevada Central Railroad in an approximate amount of four billion U.S. dollars deriving from commercial public bonding to be

23 24 collateralized with the roadbed and railway system. 25

In 2003 Aviation Technologies Limited, by an

Also for our whole economy here with the 2 tourism industry and everything else why would people 3 come here if we're sitting on a hot bed?

Additionally the people are saying they're for it 4

because it's going to bring jobs here for the 500 5 people or whatever who may get jobs in upstate 6

Nevada. Overall it's cheaper to buy them out and not 7

have the waste come than it is to have it come here 8

9 and endanger everyone's lives.

10 But there are jobs available for them somewhere. If they want to stay in their own area, 11 fine, buy them out and let them stay there, but don't 12 bring the waste through Caliente or anyplace else. 13 It's dangerous for the state. We have the water down 14 here in Lake Mead. We have over a million population 15 in Clark County. You have people retiring here, 16 moving here, tourism, millions of people per year are 17 18 coming here. That would just endanger everybody.

CAREN LEVENSON: I am just opposed to transporting it under very lax security and through areas that could be environmentally sensitive and that one accident could ruin our nation.

22 ROBERT ALAN KEMP: (STATEMENT ORALLY GIVEN 23 TO BOB BLACK). 24

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through its general counsel, Fritz Kahn, notified the U.S. Surface Transportation Board of its notice to execute a construction permit and begin construction, that was July 17, 2003, of the Nevada Central Railroad bypass. The trade name for that particular system owned and controlled by Aviation Technologies Limited through its wholly owned subsidiary Nevada Central Railroad is the NCR bypass, and that has been trademarked.

10 ATL and Nevada Central Railroad staff in 11 July and August of 2003 contacted the U.S. Department of Energy in Washington, D.C. and provided the 12 13 previously identified information to U.S. DOE staff 14 working under the supervision and authority of Margaret S. Chu. U.S. Department of Energy staff 15 provided Nevada Central Railroad and Aviation 16 Technologies staff with the final 2003 EIS so that 17 18 Nevada Central Railroad could provide same to the 19 U.S. Surface Transportation Board, which has since 20 been completed following the six-month waiting period under the Federal Rail Agency and Surface 21 Transportation Board regulations following the 22 23 initial notice of construction in 2003. 24 Surface Transportation Board has

appropriately responded three times to ATL staff as

reply that was copied to U.S. Department of the Interior, Bureau of Land Management. Prior to Margaret Chu's provision of testimony to the United

States Congress and Senate concerning her future requirements for the 2005 budget, which later included her subsequent decision followed by

confirmation and communication by telephone, prior to her testimony to Congress of her decision in relation 8

to the selection of the Caliente route. At all reasonable times the U.S. Department 10 of Energy has been made aware through both oral and 11 documented communication of the existence and public 12 notice of intent to construct the NCR bypass as a 13 north/south route within the state of Nevada. 14 Mr. Fritz Kahn, general counsel for Nevada Central 15 Railroad, executed a documented letter to the City of Ely on February 12th, 2004 to acting mayor Robert B. 17 Miller, Mayor, City of Ely, informing the City of Ely 18 that NCR had already executed its notice of intent to 19 construct its north/south bypass route along the 20 historic Nevada Northern Railway right-of-way that in 21 general terms runs from the Ruth mine through Ely to 22

McGill junction due north to Shafter and Covre. 23 Covre and Shafter are the intersections to the Union 24

Pacific east/west mainline that runs to Salt Lake 25

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well as direct documented response to ATL and Nevada

Central Railroad general counsel legal 2 3 representatives in Washington, D.C.

Nevada Central Railroad staff and Aviation

Technologies Limited staff replied to the notice of withdrawal that was publically noticed by U.S. Department of Interior, Bureau of Land Management through documented communication on Monday, March 29th, 2004 by copying original communications to Dennis Samuelson, BLM coordinator for the state of 10 Nevada working under authority of Bob Abbey. Such documented communication was legally addressed and 12 13 provided to Margaret S. Chu personally as confirmed as received on March 29th, 2004 at her offices within 14 15 the Department of Energy. 16

ATL NCR staff confirmed receipt by U.S. BLM through direct oral communication with Dennis Samuelson and state of Nevada BLM director Robert Abbey, as well additional staff within Margaret Chu's office to include Jay Johnson and senior DOE staff directed by Margaret Chu.

I, Robert Alan Kemp, acting as a legally 22 23 designated officer of Aviation Technologies Limited and the Nevada Central Railroad contacted Margaret 24 Chu by telephone personally to confirm receipt of our 25

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The communication that I will provide to the U.S. Department of Energy in relation to the provision of comments today from Fritz Kahn will be identified by my initials RAK Exhibit 13-A.

On May 5th, 2004 Aviation Technologies and Nevada Central Railroad staff provided documented request for the inclusion of agenda items relating to the construction of the Nevada Central Railroad NCR bypass within the state of Nevada to White Pine County District Attorney Richard Sears, and White Pine County Clerk Mrs. Donna Bath.

ATL NCR staff provided the City of Ely city council by and through its district attorney, which is also Richard Sears, acting for and on behalf of the City of Ely, also to Jim Allworth, the city clerk, City of Ely, Nevada, and by and through Shane Bybee, the acting mayor pro tem, of its notice of intent for the inclusion of agenda items relating to the construction of the Nevada Central Railroad.

For purposes of identification in relation to the provision of comments today, I am going to identify the May 5th, 2004 notice to White Pine County District Attorney Sears as RAK 13-B. For purposes of identification in relation

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11 (Pages 41 to 44)

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to provision of comments today I'd like to refer to the documented notice to the City of Ely through City Attorney Richard Sears as RAK 13-C.

I'm going to include with my comments today to the U.S. Department of Energy a copy of Nevada Revised Statute chapter 37.230, which is condemnation by railroad companies. And I will refer to this in relation to my comments for purposes of identification as RAK Exhibit 13-D.

I'm going to include with my comments today the provision of a documented presentation that was executed to the White Pine County Commission as well as the City of Ely city council. And for purposes of identification I'll refer to that as RAK Exhibit 13-E.

In conclusion the Nevada Central Railroad is a commercial railroad existing within the central corridor of the state of Nevada that in relation to U.S. Department of Interior federal statutes under U.S. congressional code as well as the U.S. Federal Railway Act exists as a railroad under construction.

Railroads under construction under the 22 23 Federal Railway Act as well as regulations of the 24 Department of Interior cannot be interfered with by 25 any federal agency, state or local state governmental rail alignment directly to the U.S. Department of Interior by and through the Secretary of Interior to the U.S. government. We will copy the provision of

this filing to Margaret S. Chu and Robert Abbey, 5 State of Nevada, Director Bureau of Land Management.

ATL NCR staff have confirmed with U.S. Department of Energy staff in Washington, D.C. that

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the 2003 EIS was a legally qualified final EIS under 8 U.S. Environmental Protection Agency regulations that 9 meets in excess of 70 percent of the EIS requirements 10

for the construction by U.S. Department of Energy of 11 a rail corridor within the state of Nevada. 12

In direct conflict with documented decisions 13 provided to ATL NCR staff by and through the U.S. 14

Surface Transportation Board, office of SEA, ATL NCR 15 staff intend to proceed and notify Congress and 16

Senate of the United States of the existing conflict 17

that relates between Surface Transportation Board and 18

U.S. Department of Energy in relation to the 19

characterization, specific technical applicability 20

and identification referencing of information 21

contained within the U.S. DOE final EIS of 2003 that 22

is applicable within the scope of the Surface 23

Transportation Board filing by ATL NCR staff to the 24

25 STB in 2003 to meet either NEPA or commercial EIS

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incorporated entities, such as a city or town, or other commercial entity with the exception of a preexisting commercial railroad.

ATL NCR submits that it has properly noticed the U.S. Department of Energy of its legally defined existence as a railroad under construction within the legislation approved by Senate and Congress as an existing railroad system within the state of Nevada authorized by Congress as a commercial transport provider capable of providing a connection to Yucca Mountain repository for purposes of meeting all U.S. DOE heavy transportation requirements.

The Nevada Central Railroad, by and through its general counsel and legal staff in Washington, D.C., will execute a filing with the Secretary of Interior in June 2004 to obtain a permanent easement, a portion of which has already been identified by U.S. Department of Energy Margaret S. Chu for land withdrawal in direct conflict with Department of Interior and BLM regulations that integrate with the Federal Railway Act concerning impact to a commercial railroad operation and/or construction project.

NCR will then proceed to provide a general map, a legal description and GPS coordinates of its intended corridor as well as specific site survey

requirements under the construction permit process of the Surface Transportation Board, U.S. DOT. That 2 concludes my comments. 3 4

(Thereupon the proceedings were concluded at 8:00 p.m.)

12 (Pages 45 to 48)

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1 CERTIFICATE OF REPORTER 2 STATE OF NEVADA) 3 SS:	
4 COUNTY OF CLARK.) 5 I, Deborah Ann Hines, certified shorthand 6 reporter, do hereby certify that I took down in	
 7 shorthand (Stenotype) all of the proceedings had in 8 the before-entitled matter at the time and place 9 indicated; and that thereafter said shorthand notes 	
 were transcribed into typewriting at and under my direction and supervision and the foregoing transcript constitutes a full, true and accurate 	
13 record of the proceedings had. 14 IN WITNESS WHEREOF, I have hereunto affixed	
15 my hand this 19th day of May, 2004.1617	
19 Deborah Ann Hines, CCR #473	
20 21 22	
23 24 25	